

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

SUMMARY ORDER

THIS SUMMARY ORDER WILL NOT BE PUBLISHED IN THE FEDERAL REPORTER AND MAY NOT BE CITED AS PRECEDENTIAL AUTHORITY TO THIS OR ANY OTHER COURT, BUT MAY BE CALLED TO THE ATTENTION OF THIS OR ANY OTHER COURT IN A SUBSEQUENT STAGE OF THIS CASE, IN A RELATED CASE, OR IN ANY CASE FOR PURPOSES OF COLLATERAL ESTOPPEL OR RES JUDICATA.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 19th day of September, two thousand six.

PRESENT:

HON. ROGER J. MINER,
HON. JOSEPH M. McLAUGHLIN,
HON. ROBERT A. KATZMANN,

Circuit Judges.

Robert Williams,

_____*Plaintiff-Appellant,*

v.

05-6347-cv

Home Depot USA, Inc.,

_____*Defendant-Appellee.*

ROBERT WILLIAMS, Plaintiff-Appellant, *Pro se*, Bronx, N.Y.

For Defendant-Appellee:

DEBRA S. MORWAY, Morgan, Lewis & Bockius
LLP, New York, N.Y.

1 Appeal from the United States District Court for the Southern District of New York
2 (Batts, J.).
3

4 **ON CONSIDERATION WHEREOF, IT IS HEREBY ORDERED, ADJUDGED,**
5 **AND DECREED** that the judgment of the district court be and hereby is **AFFIRMED**.
6

7 On July 12, 2002, proceeding *pro se*, Plaintiff-Appellant Robert Williams filed a federal
8 complaint alleging that Defendant-Appellee Home Depot USA, Inc. had denied Appellant an
9 equal employment opportunity in his job as a sales associate on the basis of his race, and that
10 Appellee had retaliated against Appellant after he had complained of harassment and
11 discrimination, all in violation of Title VII of the Civil Rights Act of 1964, as amended, 42
12 U.S.C. § 2000e, *et seq.* (“Title VII”). The district court (Batts, J.) granted Appellee’s motion for
13 summary judgment and entered final judgment on October 4, 2005. We assume the parties’
14 familiarity with the relevant facts and the specification of issues on appeal.
15

16 This Court reviews an order granting summary judgment *de novo*, and asks whether the
17 district court properly concluded that there were no genuine issues of material fact and that the
18 moving party was entitled to judgment as a matter of law. *See Miller v. Wolpoff & Abramson,*
19 *L.L.P.*, 321 F.3d 292, 300 (2d Cir. 2003). In determining whether there are genuine issues of
20 material fact, this Court is “required to resolve all ambiguities and draw all permissible factual
21 inferences in favor of the party against whom summary judgment is sought.” *Terry v. Ashcroft*,
22 336 F.3d 128, 137 (2d Cir. 2003) (citation omitted). This Court will only affirm the dismissal of
23 a claim on summary judgment if “it appears beyond doubt that the plaintiff can prove no set of
24 facts in support of [his] claim which would entitle [him] to relief.” *Id.*
25

26 Having considered each of Appellant’s arguments, we affirm the judgment of the district
27 court for substantially the reasons given in its decision. Accordingly, the judgment of the district
28 court is **AFFIRMED**.
29
30

31 FOR THE COURT:
32 Roseann B. MacKechnie, Clerk
33

34 By: _____
35 Oliva M. George, Deputy Clerk